

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X

JANSSEN PHARMACEUTICA N.V.,

Plaintiff, ORDER

- against -

CV 01-2322 (NG) (MDG)

EON LABS MANUFACTURING, INC.,

Defendant.

- - - - - X

GO, United States Magistrate Judge:

Janssen's application for a further extension of the 30 month stay under 21 U.S.C. § 355(j)(5)(B)(iii) is granted as follows. The interim stay is further extended to January 27, 2004. However, as noted on the record, notwithstanding the Court's finding that defendant has delayed adjudication of this action, the Court will not grant a further extension of the stay based solely on such conduct unless the Court finds, after a preliminary review of the motion submissions to be filed, that plaintiff's remaining claim of infringement may be of substance.

SO ORDERED.

Dated: Brooklyn, New York  
December 2, 2003

MARILYN  
UNITED

DGE

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.  
★ DEC 12 2003 ★  
BROOKLYN OFFICE